

KATHLEEN A. LEAVITT  
CHAPTER 13 BANKRUPTCY TRUSTEE  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

IN RE:  
KIMBERLY YAVONNE  
BUSTAMANTE

Debtor(s)

CASE NO: BKS-18-16305-MKN

CHAPTER 13

Hearing Date: February 14, 2019  
Hearing Time: 1:30 pm

HAINES & KRIEGER LLC  
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN  
#1 COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee, in the above captioned  
bankruptcy case and hereby alleges as follows:

**Statement of Facts**

The Debtor(s) filed for Chapter 13 relief on 10/19/2018. The 341(a) Meeting of Creditors held on  
December 27, 2018 at 11:30 am was concluded .

**Argument**

The Trustee objects to confirmation of the Chapter 13 Plan and recommends that this case be dismissed  
pursuant to 11 U.S.C. §1307(c) for one or more of the following reasons:

- Debtor(s) is/are delinquent in plan payments. 11 U.S.C. §1307(c)(1)
- Debtor(s) failed to comply with notice/re-notice requirements. Certificate of Service for Notice of Hearing and Plan #1 F.R.B.P. 2002(a) & (b) & 11 U.S.C. §1307(c)(1)
- Compensation of Debtor(s)' attorney requires an independent review by the court. Trustee requests that Debtor(s)' attorney file an application for compensation pursuant to 11 U.S.C. §330.

- Plan is not feasible as required by 11 U.S.C. §1322 based on: IRS; Nevada West Financial
- Other: Trustee objects to a car being paid in the plan which does not show debtor's name on vehicle contract

Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties pursuant to 11 U.S.C. §521(a)(3), §704 and/or §1302. This failure to cooperate has caused unreasonable delay that is prejudicial to creditors under 11 U.S.C. §1307(c)(1) as the Debtor(s) did not provide the following documents:

- Amendment to Schedule A/B Real and personal Property: #17: need to list non filing spouse's bank account- Fidelity per testimony.
- Amendment to Schedule I. Current Income of Individual Debtor(s): need to include tips per testimony.

### **Conclusion**

WHEREFORE, for the foregoing reasons, the Trustee objects to confirmation and recommends that this case be dismissed pursuant to 11 U.S.C. §1307(c).

Dated: 1/2/19

/s/ Kathleen A. Leavitt  
Kathleen A. Leavitt  
Chapter 13 Trustee

1 KATHLEEN A. LEAVITT  
2 CHAPTER 13 STANDING TRUSTEE  
3 201 Las Vegas Blvd South  
4 Suite 200  
5 Las Vegas, NV 89101

6 **UNITED STATES BANKRUPTCY COURT**  
7 **DISTRICT OF NEVADA**

8 **IN RE:**

**CASE NO: BKS-18-16305-MKN**  
**Chapter 13**

9 **KIMBERLY YAVONNE**  
10 **BUSTAMANTE**

11 **Debtor (s)**

12 **CERTIFICATE OF SERVICE**

13 1. On January 02, 2019, I served the following document(s):

14 **TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #1 COMBINED WITH**  
15 **TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

16 2. I served the above-named documents(s) by the following means to the persons  
17 as listed below:

18 **United States mail, postage fully prepaid**

19 KIMBERLY YAVONNE BUSTAMANTE	HAINES & KRIEGER LLC
6758 FLAMENCO CT	8985 S EASTERN AVENUE
LAS VEGAS, NV 89139	SUITE 350
	HENDERSON, NV 89123

20 **I declare under penalty of perjury that the foregoing is true and correct.**

21 Signed on: 1/2/19

22 /s/ Esther Carr  
23 Employee of  
24 Kathleen A. Leavitt  
Chapter 13 Standing Trustee